

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 21-24, 26-29 and 31-39 were pending in this application when last examined and stand rejected.

Claims 21 and 32 are amended. Support for the amendment to claim 21 can be found in previously pending claim 31. Claim 32 is amended to correct informalities.

Claim 31 has been cancelled without prejudice or disclaimer thereto.

No new matter has been added.

II. CLAIM INFORMALITIES

In item 2 on page 2 of the Office Action, claim 21 was objected to for informalities. This objection is overcome, as applied to the amended claim 21, for reasons which are self-evident.

III. INDEFINITENESS REJECTION

In item 4-5 on pages 2-3 of the Office Action, claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite for insufficient antecedent basis. This rejection is overcome, as applied to amended claim 21, for reasons which are self-evident.

IV. ANTICIPATION/OBVIOUSNESS REJECTIONS

In items 9-13 on pages 4-6 of the Office Action, claims 21, 26-28, 33 and 36 were rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373).

In items 14-16 on pages 6-7, claim 34 was rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373) and further in view of Rodgers et al. (US 2005/0037485).

In items 17-19 on page 7, claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373) and further in view of Creed (US 4,666,722).

In items 20-22 on page 8, claim 24 was rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373) and further in view of Takagi et al. (JP2001-238663).

In items 23-25 on pages 8-9, claims 29, 31 and 32 were rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373) and further in view of Izawa et al. (US 4,556,639).

In items 26-27 on pages 9-10, claim 35 was rejected under 35 U.S.C. § 103(a) as obvious over Pieler et al. (WO 91/01365) in view of Hutchins et al. (US 5,955,373) and further in view of Sawmura et al. (U.S. 4,090,921).

In items 28-29 on page 10, claim 37 was rejected under 35 U.S.C. § 103(a) as obvious over Rodgers et al. (US 2005/0037485) in view of Hutchins et al. (US 5,955,373) and further in view of Mishima et al. (US 5,182,193).

Finally, in items 30-32 on page 11, claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as obvious over Rodgers et al. (US 2005/0037485) in view of Hutchins et al. (US 5,955,373) and further in view of Bylina et al. (US 5,914,245).

Applicants respectfully traverse these rejections.

It is noted that claim 21, the only independent claim under examination, is amended to include the limitations of claim 31. Thus, Applicants note that all of the above-noted rejections are overcome except for the rejection in items 20-23 on pages 8-9, since all the other rejections do not include a teaching of the limitations of claim 31.

In regard to the final remaining rejection as well as in further regard to the overcome rejection shown above, Applicants respectfully submit that a person of skill in the art would not have any motivation to combine Pieler et al. with Hutchins et al. and further, a person of skill in the art would be unable to combine Izawa et al. to arrive at the claimed invention.

In particular, Applicants note that a skilled artisan would not be motivated to combine Pieler et al. with Hutchins et al. to arrive at the limitation “a separator equipped with a practicable door” in claim 21.

Hutchins et al. discloses work stations divided by a wall and includes a slidable door between each unit. On the other hand, Pieler et al. discloses an incubator including a housing enclosing a sub-divided interior space on a turn table and a robot (136) that transfers the cells from the incubator to a fluid handing station (134). Therefore, the cells in Pieler et al. do not move between sub-divided interior spaces. Thus, these references fail to teach or suggest a separator equipped with a practicable door.

Applicants therefore respectfully suggest that a skilled artisan would not have any motivation to employ work stations equipped with a slidable door for the processes of Pieler et al.

Further, with regard to a new limitation of “a pressing unit” in claim 21, Applicants respectfully suggest that Izawa et al. would not suggest such unit for applying physical pressure to culture by contact, because Izawa et al. is essentially different from the claimed invention. In particular, the “pressing unit” of Izawa et al. is not the pressing unit of the claimed invention.

For example, a pressing unit of the claimed invention is comprised of a magnetic mode (Fig. 7) or an isolation mode (Fig. 8) which apply physical pressure to the culture by contact. By applying such pressing force, stimulus signals (interleukin, cytokine, etc.) are sequentially transmitted on a molecule level. Thus, culture environments can be controlled.

On the other hand, the “pressing unit” of Izawa et al. is not intended for applying physical pressure to cells. Such “pressing unit” of Izawa et al. (Fig. 1) is to remove cells from a culture dish by perpendicular impacts. In particular, Izawa et al. discloses repetitious perpendicular movement by plungers (110, 112) and a spring (118). Consequently, the “pressing unit” of Izawa et al. cannot bring cells into contact with the lid of the culture container for prolonged periods and cannot control the strength of the pressing force to the cells. Thus, the “pressing unit” of Izawa et al. is not the same as the pressing unit of the claimed invention.

Thus, for the above-noted reasons, these rejections are untenable, as applied to the amended claims, and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Mutsumi TAKAGI et al.

/William R.

By: Schmidt, II/

Digitally signed by William R. Schmidt, II
DN: cn=William R. Schmidt, II, o=WLP,
ou=email-factsheet@wmsideroth.com,
c=US
Date: 2009.03.10 13:06:52 -0400

William R. Schmidt, II
Registration No. 58,327
Attorney for Applicants

WRS/lc
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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